



TMH/DAG:lam 01/27/03 166432
PATENT

Attorney Reference Number 4239-585701
Application Number 09/881,446

#9/c
2-11-03
NW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Star *et al.*

Art Unit: 1641

Application No. 09/881,446

Filed: June 13, 2001

For: RAPID FLUORESCENT LABELING OF
TISSUE FOR MICRODISSECTION USING
FLUORESCENT SPECIFIC BINDING AGENTS

Examiner: Gary W. Counts

Date: January 27, 2003

BOX NON-FEE AMENDMENT
COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on January 27, 2003 as First-Class Mail in an envelope addressed to: BOX NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

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AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

This document is submitted in response to the Office action dated December 30, 2002, for which a one-month period for response was set, making an answer due on or before January 30, 2003.

Applicants thank the Examiner for entering claim amendments as set forth in Applicants' Amendment and Response to Paper No. 6, filed November 22, 2002. The Examiner has issued another restriction requirement in the December 30, 2002 Office action, alleging that the amended claims are drawn to three independent and distinct inventions. Applicants interpret the December 30, 2002 restriction requirement to mean that the Examiner (i) has reconsidered and withdrawn the restriction requirement set forth in Paper No. 6 in light of the amended claims, and (ii) is now requiring Applicant to select anew from Groups I-III in the December 30, 2002 Office action.

Applicants provisionally elect with traverse Examiner's Group I (claims 1-16 and 35-37) for prosecution. Furthermore, Applicants believe there would be no undue burden on the